

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DANIEL JEROME TROTTER,

Plaintiff,

v.

EASTERN RECEPTION &
DIAGNOSTIC CORRECTIONAL
CENTER,

Defendant.

No. 4:23-CV-01714-MTS

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Daniel Trotter’s Application to Proceed in District Court Without Prepaying Fees or Costs. Doc. [6]. Having reviewed the Application and the financial information provided in support, the Court will grant the request and assess an initial partial filing fee of \$1.65. *See* 28 U.S.C. § 1915(b)(1).

* * *

Under 28 U.S.C. § 1915(b)(1), a prisoner bringing a civil action in forma pauperis must pay the full amount of the filing fee. *See Ashley v. Dilworth*, 147 F.3d 715, 716 (8th Cir. 1998) (per curiam) (explaining that the PLRA requires “all prisoner-litigants to pay filing fees in full, with the only issue being whether the inmate pays the entire filing fee at the initiation of the proceeding or in installments over a period of time”). If the prisoner has insufficient funds in his prison account to pay the entire fee, the Court will assess an initial partial filing fee equal to the greater of either: (1) 20 percent of the average monthly

deposits in the prisoner's account for the six months immediately preceding the filing of the lawsuit, or (2) 20 percent of the average monthly balance in the prisoner's account over the same six-month period. 28 U.S.C. § 1915(b)(1). After payment of the initial partial filing fee, the prisoner must make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. 28 U.S.C. § 1915(b)(2). The agency having custody of the prisoner will forward these monthly payments to the Clerk of Court each time the amount in the prisoner's account exceeds \$10, until the prisoner has paid the fee in full. *Id.*

In support of his application, Plaintiff has submitted a certified account statement that reflects an average deposit of \$8.26 for the six-month period preceding his complaint. Thus, the Court will assess an initial partial filing fee of \$1.65, representing 20 percent of Plaintiff's average deposit over that time. Plaintiff must submit the payment to the Court no later than Friday, July 12, 2024. Failure to do so will result in the dismissal of this action without further notice. *See In re Smith*, 114 F.3d 1247, 1251 (D.C. Cir. 1997); 28 U.S.C. § 1915(b)(1) (providing that "if a prisoner brings a civil action," then "the prisoner shall be required to pay the full amount of a filing fee").


Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Application to Proceed in District Court without Prepaying Fees or Costs, Doc. [6], is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff must pay an initial partial filing fee of one dollar and sixty-five cents (\$1.65) no later than **Friday, July 12, 2024**. Plaintiff shall make his remittance payable to "Clerk, United States District Court," and shall include

upon it: (1) his name; (2) his prison registration number; (3) the case number; and (4) a statement that the remittance is for an original proceeding. Failure to do so will result in the dismissal of this action without further notice.

Dated this 30th day of May 2024.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE